

Misbranding was alleged for the reason that the statements on the labels, "Pure Peach Preserves", "Pure Apricot Preserves", "Pure Raspberry Preserves", "Pure Strawberry Preserves", "Preserves Pure Raspberry", "Raspberry Preserves", "Preserves Pure Blackberry", "Damson Plum Preserves", "Raspberry Jam", "Strawberry Jam", and "Preserves Pure Strawberry", were false and misleading and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, since they were not preserves and jams as labeled.

Misbranding was alleged for the further reason that the articles were imitations of other articles and were offered for sale under the distinctive names of said other articles, namely, "Peach Preserves", "Apricot Preserves", "Blackberry Preserves", "Strawberry Preserves", "Raspberry Preserves", "Damson Plum Preserves", "Raspberry Jam", and "Strawberry Jam."

On November 15, 1934, the defendants entered pleas of guilty. Goldmeyer & Arnold, Inc., was sentenced to pay a fine of \$200 on the first count and \$1 on each of the remaining 33 counts, the fines in all counts but the first being remitted. Max Goldmeyer and Harry Arnold, as co-partners and as officers of the corporation, were both fined \$1 on each of the 34 counts, the fines being remitted.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23843. Adulteration and misbranding of apple cider vinegar. U. S. v. Martin D. Buckley (U. E. Mathes Vinegar Co.). Plea of guilty. Fine, \$250. F. & D. no. 28206. I. S. nos. 37959, 41401, 41404.)**

This case was based on various shipments of a product sold as apple cider vinegar which was found to consist of a mixture of evaporated apple products vinegar and dilute acetic acid.

On November 16, 1932, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Martin D. Buckley, trading as the W. E. Mathes Vinegar Co., Medina, N. Y., alleging shipment by said defendant, on or about September 7 and 25, 1931, from the State of New York into the State of Wisconsin, and on or about September 17, 1931, from the State of New York into the State of Pennsylvania of quantities of vinegar which was adulterated and misbranded. A portion of the article was labeled: "Kitchen Queen Brand Pure Apple Cider Vinegar Made from Fresh Apples \* \* \* Harrisburg Grocery Co. Harrisburg, Pa." A portion was labeled: "W. E. Mathes Vinegar Co. Pure Apple Cider Vinegar Made from Fresh Apples \* \* \* Albion, N. Y." The remainder was unlabeled and was invoiced "Apple Cider Vinegar."

The article was alleged to be adulterated in that substances, commercial acetic cider and evaporated apple products vinegar, had been mixed and packed therewith, so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for pure apple cider vinegar which the article purported to be.

Misbranding of the article was alleged for the reason that it was a product containing commercial acetic cider and evaporated apple products vinegar, and was offered for sale under the distinctive name of another article, apple cider vinegar. Misbranding was alleged with respect to portions of the article for the further reason that the statement "Pure apple cider vinegar made from fresh apples", borne on the labels, was false and misleading and for the further reason that it was labeled so as to deceive and mislead the purchaser, since it was not apple cider vinegar made from fresh apples but was a product consisting in part of commercial acetic cider and evaporated apple products vinegar.

On November 12, 1934, the defendant entered a plea of guilty, and the court imposed a fine of \$250.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23844. Adulteration of blackberry jam. U. S. v. W. D. Coggeshall Co. Plea of guilty. Fine, \$30. (F. & D. no. 29493. I. S. no. 28627.)**

This case was based on an interstate shipment of blackberry jam, samples of which were found to be dried and moldy.

On March 3, 1933, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the W. D. Coggeshall Co., a corporation trading as the Darlington Wholesale Grocery Co., a branch of said corporation having its principal place of business at Darlington, S. C., alleging shipment by said company in violation of the Food and Drugs Act, on or about

May 29, 1931, by means of an agent and under the name of the Darlington Wholesale Grocery Co., from the State of South Carolina into the State of Maryland, of a quantity of blackberry jam which was adulterated.

The article was alleged to be adulterated in that it consisted in part of a decomposed and filthy vegetable substance.

On November 8, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$30.

*M. L. WILSON, Acting Secretary of Agriculture.*

**23845. Misbranding of cottonseed cake and meal. U. S. v. Rule-Jayton Cotton Oil Co. Plea of guilty. Fine, \$300.** (F. & D. no. 31354. Sample nos. 19815-A, 19827-A, 19829-A to 19833-A, incl., 19835-A, 19836-A.)

This case was based on various shipments of cottonseed meal and cake which were labeled as containing 43 percent of protein. Samples taken from all shipments were found to contain less than 43 percent of protein; one of the shipments contained a crude fiber in excess of the 12 percent declared on the label.

On May 4, 1934, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Rule-Jayton Cotton Oil Co., a corporation, Stamford, Tex., alleging shipment by said company under the names of the Stamford Cotton Oil Mill and the Rule Cotton Oil Mill, between the dates of August 3, 1932, and May 5, 1933, from the State of Texas into the State of Kansas of quantities of cottonseed meal and cake which was misbranded. A portion of the article was labeled: "Interstate Brand 43% Protein Cotton Seed Cake and Meal Prime Quality Guaranteed Analysis \* \* \* Protein, not less than 43% \* \* \* Interstate Feed Company Fort Worth Texas." The remainder was labeled: "Rule-Jayton Cotton Oil Company \* \* \* Guaranty Crude Protein not less than 43 percent \* \* \* Crude Fibre, not more than 12 percent."

The article was alleged to be misbranded in that the statements on the labels, regarding the protein content, "43% Protein Cotton Seed Cake \* \* \* Guaranteed Analysis Protein, not less than 43%" or "Guaranty—Crude Protein, not less than 43 percent", were false and misleading and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it contained less than 43 percent of protein. Misbranding was alleged with respect to one lot for the further reason that the statement "Crude Fibre, not more than 12 percent", borne on the label, was false and misleading and tended to deceive and mislead the purchaser since the said lot contained more than 12 percent of crude fiber.

On November 7, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$300.

*M. L. WILSON, Acting Secretary of Agriculture.*

**23846. Adulteration and misbranding of rice polish. U. S. v. Walton Rice Mill, Inc. Plea of guilty. Fine, \$25.** (F. & D. no. 31365. Sample no. 14080-A.)

This case was based on an interstate shipment of a product sold as rice polish which was found to consist in part of material other than rice polish and to contain less fat than declared on the label.

On December 26, 1933, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Walton Rice Mill, Inc., Stuttgart, Ark., alleging shipment by said company on or about October 18, 1932, from the State of Arkansas into the State of Mississippi, of a quantity of rice polish which was adulterated and misbranded. The article was labeled in part: "Rice Polish Guaranteed Analysis \* \* \* Fat 12.00% \* \* \* Ingredients: Rice Polish Only. Walton Rice Mill, Stuttgart, Arkansas."

The article was alleged to be adulterated in that a substance other than rice polish had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for rice polish which the article purported to be.

Misbranding was alleged for the reason that the statements, "Rice Polish Only" and Guaranteed Analysis \* \* \* Fat 12.00%", borne on the tags attached to the sacks containing the article, were false and misleading, and in that the article was labeled so as to deceive and mislead the purchaser, since the said statements represented that the article consisted of rice polish